

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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JORGE C. Q.,	:	
	:	Civil No. 18-15245 (KM)
Petitioner,	:	
	:	
v.	:	MEMORANDUM AND ORDER
	:	
CHARLES GREEN,	:	
	:	
Respondent.	:	
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The petitioner, Jorge C. Q.,¹ is an immigration detainee, currently held at the Essex County Correctional Facility in Newark, New Jersey. Acting pro se, he filed, on October 23, 2018, a petition for writ of habeas corpus, under 28 U.S.C. § 2241. The Court initially administratively terminated the petition, as it was not accompanied by a proper filing fee. Petitioner has now paid the required filing fee, and the proceeding shall be reopened.

Petitioner challenges the duration of his present immigration detention. Under Rule 4 of the Rules Governing § 2254 Cases (applied in this proceeding under Rule 1(b) of the Rules Governing § 2254 Cases), this Court has examined the petition and determined that dismissal without receiving an answer and the underlying record is not warranted. In addition to any other arguments concerning petitioner's claims, respondent's answer shall specifically address how the decision of the Supreme Court in *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), impacts the holding of the Court of Appeals for the Third Circuit in *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469 (3d Cir. 2015).

Therefore, IT IS this 29th day of November 2018

¹ Consistent with guidance regarding privacy concerns in social security and immigration cases by the Committee on Court Administration and Case Management of the Judicial Conference of the United States, Petitioner is identified herein only by his first name and last initial.

ORDERED that the Clerk shall reopen this proceeding; and it is further

ORDERED that the Clerk shall serve a copy of the petition (D.E. 1) and this Order upon respondent by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the petition (D.E. 1) and this Order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

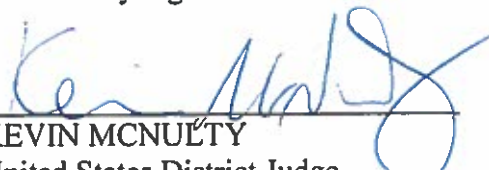
ORDERED that, within thirty (30) days of the entry of this Order, respondent shall file and serve an answer that (1) responds to the allegations and grounds in the petition, (2) includes all affirmative defenses respondent seeks to invoke, and (3) addresses specifically how the decision of the Supreme Court in *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), impacts the holding of the Court of Appeals for the Third Circuit in *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469 (3d Cir. 2015); and it is further

ORDERED that respondent shall file and serve with the answer certified copies of all documents necessary to resolve petitioner's claim(s) and affirmative defenses; and it is further

ORDERED that within thirty (30) days of receipt of the answer, petitioner may file a reply to the answer; and it is further

ORDERED that within seven (7) days of petitioner's release, by parole or otherwise, as well as any change in the basis for petitioner's immigration detention, respondent shall electronically file a written notice of the same with the Clerk; and it is further

ORDERED that the Clerk shall serve this Order on petitioner by regular U.S. mail.


KEVIN MCNULTY
United States District Judge